

### **REMARKS**

This responds to the Notice of Non-Compliant Amendment mailed on July 30, 2008.

Applicants' prior Amendment and Response to the Office Action of January 11, 2008 (hereinafter, "the prior Response") was filed on April 15, 2008. In the prior Response, Applicants treated claim amendments proposed therein as if they had been made at that time. Since the proposed claim amendments were not entered, amendments to the same claims are herein marked with the status identifier "Currently Amended."

Claims 13, 19, and 26 are amended. The amendments to claims 13 and 26 include underlinings and striking through that address and are believed to be fully responsive to the Notice of Non-Compliant Amendment. The amendments are fully supported by the current application (e.g., page 11, lines 5-7, FIG. 3A, callout 305, and page 2, line 19) and add no new matter.

Claims 1-12 and 25 are canceled, and claims 27-29 are added. As a result, claims 13-15, 19-24, and 26-29 stand pending in this application.

### **Examiner Interview Summary**

Applicants would like to thank Examiner Maikhanh Nguyen for the courtesy of a phone interview on March 19, 2008 between the Examiner and Applicants' representative Ali Mireshghi. During the interview, claims and cited references were discussed, and the Examiner proposed a restriction requirement, requiring Applicants to elect either Group 1, consisting of claims 1-12 and 25, or Group 2, consisting of claims 13-16, 19-24 and 26. Applicants' representative agreed to elect Group 2 and cancel claims 1-12 and 25, reserving the right to reintroduce the canceled claims in a divisional application.

Also, Applicants' representative agreed to amend the elected independent claims for reconsideration by the Examiner.

§103 Rejection of the Claims

Claims 1-15 and 19-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Langheinrich et al. (U.S. 6,654,725; hereinafter "Langheinrich") in view of Hess et al. (U.S. 7,007,076; hereinafter "Hess"). For the reasons that will be set forth below, Applicants respectfully submit that, in light of the amendments, claims 13-15, 19-24, and 26 are non-obvious over Langheinrich in view of Hess, and are therefore allowable.

Independent claim 13, as amended, recites, in part, "retrieving a set of images from a group of images *using the set of random numbers*, each retrieved image being *associated with an item represented in that retrieved image*." (Emphasis added throughout). In rejecting claim 13, the Office Action cites Langheinrich (specifically, col. 1, lines 16-32, col. 8, lines 1-18, and Abstract). Applicants respectfully submit that Langheinrich is silent with respect to the limitations of "retrieving a set of images from a group of images *using the set of random numbers*," and of "each retrieved image being *associated with an item represented in that retrieved image*," as both are recited in amended claim 13.

Langheinrich, at col. 1, lines 16-32, discusses "web advertisement" as "fixed inline images [in] a webpage," (Langheinrich, col. 1, lines 19-20, emphasis added), echoing a statement in the "Field of Invention" of Langheinrich that, "The present invention relates . . . [in] *particular to a system and method used to increase web advertisement response rates by providing customized advertisements shown as inline images and banners in web pages*." (Langheinrich, col. 1, lines 8-14, emphasis added). The cited text, in discussing "*customized advertisements*," fails to disclose "retrieving a set of images from a group of images *using the set of random numbers*," as recited in claim 13. Furthermore, Applicants cannot find within the cited text any discussion of a "retrieved image being *associated with an item represented in that retrieved image*," as recited in amended claim 13. Therefore, the cited text is silent with respect to at least two elements of amended claim 13.

Langheinrich at col. 8, lines 1-18, states that the system of Langheinrich chooses an advertisement "according to given probabilities."

[T]he database system is queried . . . to provide a list of *display probabilities* . . . , given the values of each *customization variable*. . . . For each value of a *customization variable*, this list of *probabilities* . . . *has to add up to 1.0*, i.e. in

every case the system has to be able to choose one and only one of the available advertisements. After compiling this *display distribution* for all advertisements in a *relevancy computation* module, the system chooses a random advertisement *according to the given probabilities (weight)*. . . .

(Langheinrich, col. 7, line 64 - col. 8, line 8, emphasis added). Langheinrich, in describing the choosing of an advertisement "*according to the given probabilities*," does not disclose "retrieving a set of images from a group of images *using the set of random numbers*," as recited in claim 13. Furthermore, Applicants cannot find within the cited text any discussion of a "retrieved image being *associated with an item represented in that retrieved image*," as recited in amended claim 13. Therefore, the cited text is silent with respect to at least two elements of amended claim 13.

According to the Abstract of Langheinrich, "a *customization* process which *customized* [sic] *the electronic advertisements* to be delivered to each client system is performed." (Langheinrich, Abstract, emphasis added). Continuing, Langheinrich states, "The system inserts a *customized advertisement* into the page that *matches the page content* or search topic." (Emphasis added). The cited text, in discussing "customization" of advertisements, fails to disclose "retrieving a set of images from a group of images *using the set of random numbers*," as recited in claim 13. Furthermore, Applicants cannot find within the cited text any discussion of a "retrieved image being *associated with an item represented in that retrieved image*," as recited in amended claim 13. Therefore, the cited text is silent with respect to at least two elements of amended claim 13.

Similarly, Applicants cannot find any passage within Hess that teaches or suggests the claim limitations shown above to be missing from Langheinrich. Accordingly, the combination of Langheinrich and Hess fails to teach or suggest Applicants' claimed invention or support rational inferences which one skilled in the art would be reasonably expected to draw to reach the Applicants' claimed invention. Thus, for at least the reasons set forth above, claim 13 and its dependent claims 14-15 are not rendered obvious by the combination, and thus are allowable.

The same arguments presented with respect to claim 13 are also applicable to amended claims 19 and 26. Therefore, at least for the reasons articulated above with respect to claim 13, amended claims 19 and 26, and dependent claims 20-24 are also allowable. Therefore,

Applicants respectfully request that the claim rejections under 35 U.S.C. § 103(a) be reconsidered, in view of the amendments, and withdrawn.

Claims 12 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Langheinrich in view of Hess, and further in view of McCollom et al. (U.S. 6,925,444; hereinafter "McCollom"). Claim 12 is cancelled. Claim 14 is dependent on independent claim 13 and is allowable for at least the same reasons articulated with respect to claim 13. Thus, Applicants respectfully request that the rejection of claim 14 be removed and the claim be placed in condition for allowance.

**CONCLUSION**

Applicants respectfully submit that the pending claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at 408-278-4048 to facilitate prosecution of this application.

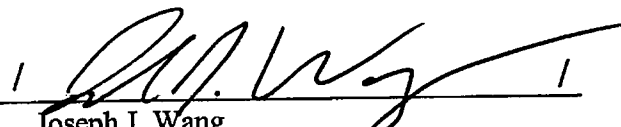
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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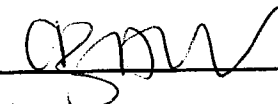
Date October 30, 2008

By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of October 2008.

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